

public necessity that the Rule requiring that Bills be read on three several days in each House be suspended, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

By Sulak.

S. B. No. 79.

A BILL

To Be Entitled

An Act amending Article 8136, Revised Civil Statutes, 1925, by adding thereto Article 8136a, authorizing any drainage district which has heretofore been organized under the laws of the State and has issued bonds, and any drainage district hereafter organized, and which may issue bonds, to refund such bonds by issuing new coupon bonds for such purpose; prescribing the rate of interest such bonds shall bear, the maturities thereof, and manner of execution; providing for the approval of such bonds by the Attorney General and registration by the Comptroller; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 8136, Revised Civil Statutes of 1925, be, and the same is hereby amended by adding thereto Article 8136a, as follows:

Any drainage district, which has heretofore been organized under the laws of the State, and has issued bonds, and any drainage district hereafter organized, and which may issue bonds, may, by consent of the holders thereof, refund any bonds issued by issuing new coupon bonds for that purpose. Such refunding bonds shall not bear a greater rate of interest than the bonds in lieu of which they are issued. Interest shall be evidenced by coupons attached to such bonds, and may be payable annually or semi-annually, within the discretion of the commissioners' court of the county of jurisdiction; and such refunding bonds shall be payable serially, or otherwise, not exceeding forty years from the date thereof, and shall be issued in denomination of one hundred dollars, or some multiple thereof; and a sufficient tax levy to meet the payment of the principal and interest of said refunding bonds shall be made be-

fore the delivery thereof, provided the refunding of any bonds shall not affect any taxes already due.

The refunding bonds hereby authorized shall be executed in the same manner provided for the execution of drainage district bonds. Any sum to the credit of any sinking fund account on hand shall first be deducted in ascertaining the amount of refunding bonds to be issued, and such money shall in every case be applied to the payment of the outstanding bonds. No refunding bonds shall be issued and delivered until approved by the Attorney General and registered by the State Comptroller; provided, however, that the Comptroller shall not register such refunding bonds until the old bonds in lieu of which such refunding bonds are issued are presented to him for cancellation; and after the registration of the new bonds, the Comptroller shall cancel the old bonds and interest coupons, and deliver such new bonds to the proper party or parties; provided, further, that the old bonds may be so presented for cancellation, in installments, and a like amount of the new bonds registered and delivered as is herein provided.

Sec. 2. The fact that there is no law authorizing the issuance of refunding bonds to refund bonds of drainage districts, and the further fact that many such districts have outstanding bonds which are past due and which they are unable to pay on account of inability to collect taxes due such districts, creates an emergency and an imperative public necessity that the rule requiring that Bills be read on three several days in each House be suspended, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
January 24, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Fellbaum.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Blackert. Small.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Senate Bill No. 145.

By Senator Burns:

S. B. No. 145, A bill to be entitled "An Act to amend Chapter 212, Section 3, 5, 8 of the General Laws of the Fortieth Legislature, Regular Session; providing for the reorganization of the Texas Prison Board; fixing their terms of office; providing for their regular meeting place; providing for special meetings and providing for a quorum of the Texas Prison Board; providing for the control of the Texas Prison System by the Texas Prison Board through the general manager selected by the Prison Board; and declaring an emergency."

Read and referred to the Committee on Penitentiaries.

Senate Bill No. 146.

By Senators Beck, Poage, Hornsby, Collie, Rawlings, Martin, Redditt, Sanderford, Woodruff, Fellbaum, Pace, Duggan, Hughston, Hopkins, DeBerry, Davis, Stone and Westerfeld:

S. B. No. 146, A bill to be entitled "An Act to create the Department of Public Safety of the State of Texas;

and the Public Safety Commission; providing for the appointment of members of the Public Safety Commission, and for the organization of the Commission and of the Department; providing for the transfer of the Texas Ranger Force from the Adjutant General's Department to the Department of Public Safety; providing for the transfer of the State Highway Motor Patrol of Texas from the State Highway Department to the Department of Public Safety; creating divisions and bureaus within the said Department; defining the powers, duties and functions of the Commission and the Department, and its various divisions and bureaus and co-ordinating them; providing for the co-operation of the State owned education institutions, and all State officers and departments, and all county and municipal law enforcement officers and agencies with the department; providing personnel, buildings, equipment, and appropriations for the department; fixing the terms of office, methods of appointment, promotion, reduction, suspension and discharge of the officers and employees of the department; providing for the transfer of pending business; providing for the Governor of the State of Texas to command the department in times of public emergency; providing for the issuance of commissions to all law enforcement members of the department; repealing all laws and parts of laws in conflict herewith, and appropriating moneys to put this Act into force and effect; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; and for other purposes; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 147.

By Senator Holbrook:

S. B. No. 147, A bill to be entitled "An Act defining advisory rating corporation and/or insurance counselor, providing for the obtaining of license, contents of applications, examinations of insurance counselor, fees to be paid and renewals, prohibiting certain persons from holding same, and from obtaining fee from unlawful company, providing for misrepresentations, expiration and revocation of certificate of authority, notice, appeal from order, exempted and providing penalty."

Read and referred to the Committee on Insurance.

Senate Bill No. 148.

By Senator Cotten:

S. B. No. 148, A bill to be entitled "An Act to repeal and repealing Articles 6663 to 6674, inclusive, of the Revised Civil Statutes of Texas, 1925, and to create and creating an administrative board, to be known as The State Highway Commission, consisting of five members,—to be appointed by the Governor of Texas, with advice and consent of the Senate of Texas, one from each State Highway District (defined and created in the Act) and to serve for terms of two years and, thereafter, one of each members to be elected by the qualified voters of each such State highway district for terms as provided for in the Act,—prescribing the qualifications of such members and bonds and oaths of officer therefor, vesting such commission and members (and officers thereof or agents thereof) with supervision of State highways and with other powers and duties concerning same and concerning officers, agents and employees and rules and proceedings of such commission and concerning records, properties and funds under management or control of such commission, providing the amounts of salaries of such members and of some of the officers or employees of such commission, providing that such commission shall take over books, records, papers and properties theretofore in possession or control of the present State Highway Commission and/or officers or employees thereof, amending Article 6694, R. S. 1925, so as to provide for a special highway fund, and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

Senate Bill No. 149.

By Senator Redditt:

S. B. No. 149, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal years ending August 31, 1934, and August 31, 1935, respectively, and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 150.

By Senators Duggan and Regan:

S. B. No. 150, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, common consolidated school districts, consolidated independent school districts, county line school districts, and rural high school districts, whether created by General or Special Law or by county boards of trustees; validating the acts of said county boards of trustees and boards of trustees of such districts; validating all proceedings and acts of said boards of trustees, heretofore taken by such boards of trustees; validating all bonds, voted, authorized and/or sold and/or now outstanding of said districts; validating all tax levies made in behalf of said district; making certain exemptions; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 151.

By Senator Van Zandt:

S. B. No. 151, A bill to be entitled "An Act authorizing and empowering the governing bodies of all cities and towns in this State, whether incorporated under Special or General Law, or under the Home Rule Act, to determine, fix and regulate the rates and service of the public utilities serving them; providing this Act shall not alter or change in any manner Articles 1119, 1121 and 1122 of the Revised Civil Statutes of 1925, as amended by the Second Called Session of the Forty-third Legislature; repealing all laws, and parts of laws, in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

Senators Excused.

Senator Small was excused on account of important business for the balance of the week.

On motion of Senator Holbrook, Senator Blackert was excused on account of illness.

Senate Resolution No. 22.

Recurring business was the Cotten amendment to S. R. No. 22.

Point of Order.

Senator DeBerry raised the point of order that the Cotton amendment was out of order in that it was not germane to the resolution.

The Chair sustained the point of order.

Adoption of S. R. No. 22.

S. R. No. 22 was adopted by the following vote:

Yeas—13.

Beck.	Poage.
Collie.	Redditt.
DeBerry.	Sanderford.
Hughston.	Stone.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Nays—11.

Burns.	Martin.
Cotten.	Regan.
Fellbaum.	Shivers.
Hill.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	

Absent.

Davis.	Moore.
Duggan.	Rawlings.
Hopkins.	

Absent—Excused.

Blackert.	Small.
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Motion to Reconsider.

Senator Poage moved to reconsider the vote by which S. R. No. 22 was adopted.

Motion to Table.

Senator Oneal moved to table the motion to reconsider.

The motion to table prevailed by the following vote:

Yeas—14.

Beck.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Duggan.	Redditt.
Hopkins.	Regan.
Hughston.	Sanderford.
Neal.	Westerfeld.

Nays—13.

Burns.	Hill.
Cotten.	Holbrook.
Fellbaum.	Hornsby.

Martin.	Sulak.
Moore.	Van Zandt.
Shivers.	Woodruff.
Stone.	

Absent.

Davis.	Rawlings.
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Absent—Excused.

Blackert.	Small.
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Senate Resolution No. 23.

Senator Moore sent up the following resolution:

Whereas, The Honorable Jesse Holman Jones has served the nation in a splendid, patriotic service as Chairman of the Reconstruction Finance Corporation during the trying years of the depression; and

Whereas, Said Jesse Holman Jones is a resident of Houston, Harris County, Texas, and for many years has been identified with the material and educational progress of the State of Texas, is one of Texas' most patriotic citizens and has perhaps done as much as any single citizen in the history of the State to build up the State of Texas, furnishing labor for the working men of Texas; and

Whereas, During the World War he served President Woodrow Wilson as Director General of the Red Cross, devoting all of his time without pay to such service; and

Whereas, He was called to duty as a member of the Board of the Reconstruction Finance Corporation by President Hoover, and has continued on such Board and made Chairman thereof by President Franklin D. Roosevelt, and has served with such ability and integrity as to provoke the plaudit of the nation: Now, be it

Resolved by the Senate of Texas, That a suitable portrait of the said Jesse Holman Jones be procured and hung in the Senate of Texas; that the Lieutenant Governor appoint a committee of five to make all necessary arrangements for the selection of such portrait and to arrange for proper public ceremonies in connection with the hanging of same. Be it further

Resolved That the expense of securing such portrait be paid out of the contingent expenses of the Forty-fourth Legislature, at a cost not to exceed Five Hundred (\$500.00) dollars.

MOORE,
HORNSBY.

S. R. No. 23 was read and referred to the Committee on Finance.

S. C. R. No. 9.

Senator DeBerry sent up the following resolution:

Whereas, The President of the United States had recommended, and the Congress is considering, as a substitute for relief being furnished to employable persons a program of public works to be financed by appropriation of billions of dollars of public funds, and

Whereas, It has been indicated that the President of the United States and members of Congress are considering the subject of the separation of public highway and railroad grades at crossings, and of general highway construction, and

Whereas, There is a greater necessity in Texas for public construction of highway and railroad grade separation projects and of construction of public highways generally than for any other type of public structure, and

Whereas, It has been the experience in Texas in the past that more employment is provided for the money spent in highway improvement and construction than by any other expenditures of public moneys for relief of unemployment conditions, and more permanent and lasting benefits have inured therefrom; Now, therefore, be it

Resolved By the Senate of the State of Texas, the House of Representatives concurring, That the President and the Congress of the United States be and they are hereby requested to give careful consideration, in connection with the promulgation of any new public works or construction program in the United States, to the practicability, as well as to the economy, of allocating a relatively increased ratio of said public works funds to the construction of highway and railroad crossing grade separation projects, and to the construction of highways and public roads in each of the several states, and particularly in the State of Texas, and to other public road construction, maintenance and improvement projects. Be it

Resolved Further, That a copy of this resolution be sent to each of the following: the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the President of

the United States, the Chief of the Bureau of Public Roads of the United States Department of Agriculture and to each member of the United States Congress from Texas.

DeBERRY,
WOODRUFF,
REDDITT.

Senator DeBerry asked unanimous consent the suspend the Senate rule requiring resolutions to go to a committee and that the Senate take up and consider S. C. R. No. 9 at this time.

Unanimous consent was granted.

S. C. R. No. 9 was adopted by viva voce vote.

Communication.

The Secretary of the Senate read a communication from Secretary Ickes of the Department of Interior of the United States.

Senator Hopkins moved that the communication be printed in the Journal appendix.

The motion prevailed by viva voce vote.

Senate Resolution No. 24.

Senator Woodruff sent up the following resolution:

Be it resolved, That Section 5, Article 3, of the Constitution of Texas, in so far as the same relates to procedure be, and it is hereby suspended; and it shall be in order to introduce bills and resolutions at any time during the first sixty calendar days of the Regular Session, and not thereafter except by 4/5 affirmative vote of elected members of the Senate or as hereinafter provided, and it shall be in order to refer same to the proper committees for consideration, to receive committee reports thereon, and to consider and dispose of same under the rules of the Senate at any time during the session; provided, however, it shall be in order to introduce, refer to committee, to receive committee reports thereon and to consider and dispose of in the due order of business under rules of the Senate, local bills, bills and resolutions appropriating public funds, matters submitted by the Governor, and bills and resolutions received from the House of Representatives, at any time during the session.

WOODRUFF.

Read.

Senator Woodruff asked unanimous consent to take up S. R. No. 24 at this time without reference to a committee.

Unanimous consent was granted.
Pending.

Senate Resolution No. 25.

Senator Hill sent up the following resolution:

Whereas, The Honorable Randolph Bryant, Federal Judge of the Eastern District of Texas, is a guest in the city and a visitor in the Capitol, and

Whereas, Judge Bryant is a distinguished, able and fearless judge and an ardent exponent of the Constitution as written, and an exponent of the doctrine of States Rights. Therefore, be it

Resolved, by the Senate, That the privilege of the floor be extended this esteemed citizen and judge, and that he be invited to address the Senate at this time.

HILL,
COTTEN.

The resolution was adopted unanimously.

The Chair appointed Senators Hill, Martin and Burns to escort Hon. Randolph Bryant to the platform.

The Lieutenant Governor, Walter F. Woodul, presented the distinguished visitor to the Senate.

Judge Bryant thanked the Senate for the courtesy extended to him.

Senate Resolution No. 24.

Recurring business was S. R. No. 24.

Recess.

On motion of Senator Stone the Senate, at 11:59 a. m., recessed until 2:00 o'clock, p. m.

After Recess.

The Senate met at 2:00 o'clock, p. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Resolution No. 24.

Recurring business was S. R. No. 24.

Point of no Quorum.

Senator Hill raised the point of order that there was no quorum.

The Chair instructed the Secretary to call the roll to ascertain if a quorum were present.

The roll call disclosed no quorum.

Call of the Senate.

Senator Woodruff moved that a call of the Senate be ordered to secure and maintain a quorum.

The motion was seconded.

The motion prevailed by viva voce vote.

The Chair instructed the Sergeant-at-Arms to lock the doors and allow no one to leave and to bring in the absent Senators until a vote was had on S. R. No. 24.

Senate Called to Order.

The Chair called the Senate to order at 2:15 o'clock p. m.

Substitute For S. R. No. 24.

The Chair recognized Senator Rawlings to send up a substitute for S. R. No. 24.

Be It Resolved by the Senate, That Section 5, Article 3 of the Constitution be suspended in so far as same applies to procedure, and

It shall be in order to introduce bills or resolutions during the first sixty calendar days of the session, and to have the same referred to a proper committee.

After the first sixty calendar days of the Regular Session, no bills or resolutions shall be introduced except local bills as hereinafter defined, emergency appropriations, and emergency matters submitted by the Governor in special messages to the Legislature, unless otherwise directed by an affirmative vote of four-fifths of the membership of the Senate; appointees of the Governor (whether recess appointments or otherwise) may be acted upon at any time during the session.

The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article 3, Section 5, of the Constitution, shall not apply to local bills as hereinafter defined, and the same may be introduced, referred, reported, and acted upon at any time under the General Rules and order of business of the Senate.

A local bill is defined for the purposes of this Rule as an Act the provisions of which relate to or affect

directly a defined locality, district, or section of the State, but which does not affect directly the State at large, and the operation of which is confined solely to a particular locality, district or section of the State.

Local bills, emergency appropriations, acting upon the appointees of the Governor (whether recess appointments or otherwise) and all emergency matters submitted by the Governor in special messages to the Legislature may be considered and disposed of at any time under the General Rules and order of business.

Bills and resolutions, other than local bills (as defined in Rule 98), emergency matters submitted by the Governor in special messages to the Legislature, acting upon appointments of the Governor, (whether recess appointments or otherwise), shall not be taken up, considered, or acted upon by the Senate during the first sixty days of the session, except by an affirmative vote of four-fifths of the membership.

It shall be in order for committees to consider bills and resolutions at any time during the session, make reports thereon, and file the same with the Senate.

DeBERRY,
RAWLINGS.

Read.

Motion to Table.

Senator Hill moved to table the substitute for S. R. No. 24.

Senator Hill withdrew his motion to table.

Senator Holbrook moved to table the substitute for S. R. No. 24.

The motion to table the substitute prevailed by the following vote:

Yeas—16.

Beck.	Martin.
Burns.	Moore.
Cotten.	Neal.
Davis.	Regan.
Duggan.	Shivers.
Fellbaum.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Woodruff.

Nays—10.

Collie.	Poage.
DeBerry.	Rawlings.
Hughston.	Redditt.
Oneal.	Sanderford.
Pace.	Westerfeld.

Absent.

Hopkins.

Stone.

Absent—Excused.

Small.

(Pairs Recorded.)

Senator Hill (present) who would vote yea; with Senator Blackert (absent), who would vote nay.

Senator Van Zandt sent up the following amendment to S. R. No. 24.

Amend S. R. No. 24 by striking out the word "calendar" and substituting in lieu thereof "legislative."

VAN ZANDT.

Motion to Table.

Senator Hornsby moved to table the amendment by Senator Van Zandt.

The motion prevailed by viva voce vote.

Senators Poage and Collie sent up the following amendment:

Amend S. R. No. 24 by striking out the words "bills and resolutions appropriating funds" and by adding the word "and" after the word "bills" and before the word "matters."

POAGE,
COLLIE.

Motion to Table.

Senator Holbrook moved to table the amendment.

The motion to table prevailed by viva voce vote.

S. R. No. 24 failed to receive the required four-fifths vote for adoption by the following vote:

Yeas—19.

Beck.	Martin.
Burns.	Moore.
Collie.	Neal.
Cotten.	Regan.
Davis.	Shivers.
Duggan.	Sulak.
Fellbaum.	Van Zandt.
Hill.	Westerfeld.
Holbrook.	Woodruff.
Hornsby.	

Nays—10.

DeBerry.	Poage.
Hopkins.	Rawlings.
Hughston.	Redditt.
Oneal.	Sanderford.
Pace.	Stone.

Absent—Excused.

Blackert. Small.

Committee of the Whole.

Senator Burns moved that the Senate do now resolve itself into a committee of the whole Senate to consider H. C. R. No. 6.

The motion prevailed by the following vote:

Yeas—25.

Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Nays—3.

Davis. Sanderford.
Hopkins.

Absent.

Beck.

Absent—Excused.

Blackert. Small.

The Senate at 4:15 o'clock went into the Committee of the Whole to consider H. C. R. No. 6.

Senate Called to Order.

The Chair, at 5:20 o'clock, p. m., called the Senate to order.

Senate Bill No. 152.

Senator Poage received unanimous consent to send up out of regular order a bill.

S. B. No. 152, A bill to be entitled "An Act to amend Article 4518 of Chapter 7, Title 71 of the Revised Civil Statutes of Texas of 1925, and repealing all laws in conflict therewith; prescribing the qualifications of applicants for registration as registered nurses under this law; prescribing the length of time applicants must have attended an accredited school of nurses and graduating therefrom; and defining an accredited school of nursing, as one

connected with a general hospital having not less than (25) beds with a daily average of not less than fifteen (15) patients annually; providing that said school of nursing, if located in Texas, must be presided over by a nurse registered in said State; and providing that applicants who have completed the required period of training and graduated from an accredited school of nursing, shall be entitled to take the examination for a license or certificate to practice professional nursing and the Board of Nurse Examiners required to issue such license or certificate to applicants passing said examination; and defining general hospitals; providing if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder of this Act; and declaring an emergency."

Read and referred to the Committee on Public Health.

Senate Bill No. 153.

Senator Hornsby had unanimous consent to send up the following bill:

By Senator Hornsby:

S. B. No. 153, A bill to be entitled "An Act relating to checks or drafts returned unpaid when given the tax collectors or the assessors and collectors of taxes in payment of the registration license fees and number plates on any motor vehicle, truck, tractor trailer, motorcycle or motorcycle side car; prescribing the duties of the tax collector or assessor and collector of taxes under such circumstances; requiring the sheriff or other officers mentioned to demand redemption of such check or draft from the maker thereof; providing in the event of non-redemption, the sheriff or other officer shall be authorized to seize and remove from such motor vehicle, truck, tractor, trailer, motorcycle or motorcycle side car such license number plates issued to the owner thereof, and prescribing the duties of the sheriff or other officer; providing no extra compensation for officer or officers, and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

Senate Joint Resolution No. 16.

Senator Hornsby sent up the following resolution:

By Hornsby.

S. J. R. No. 16.

Senate Joint Resolution.

Proposing an amendment to the Constitution of the State of Texas by adding to Article 16 another section, Section 61, providing for four year term for all elective state, district, county and precinct officers, except where otherwise provided in the Constitution the term of office is fixed at more than four years; providing for the submission of same to the qualified voters of the State; providing for the necessary proclamation and making appropriation to defray the expenses of the proclamation, publication and election.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article 16 of the Constitution of the State of Texas be amended by adding thereto another section, Section 61, which shall read as follows:

"Section 61. The term of office of all elective state, district, county and precinct officers in the State of Texas shall be four years, except where otherwise provided in the Constitution the term of office is fixed at more than four years."

Sec. 2. The foregoing constitutional amendment shall be submitted to the qualified voters of the State on the day of, A. D., 19....., at which election all voters favoring such proposed amendment shall write or have printed on their ballot the words:

"FOR the amendment to the Constitution providing for a four year term of office for all state, district, county and precinct officers;" those voters opposing said amendment shall write or have printed on their ballot the words:

"AGAINST the amendment to the Constitution providing for a four year term of office for all state, district, county and precinct officers."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have the same published as required by the Constitution for amendments thereto.

Sec. 4. The sum of five thousand (\$5,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated, to pay the expenses of such publication and election.

Read and referred to the Committee on Constitutional Amendments.

Resolution Signed.

The Chair, Lieutenant Governor, Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 16.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 24, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 26, A bill to be entitled "An Act prohibiting the taking of minnows for the purpose of sale from certain waters of Panola County; prohibiting the transportation by any one person at one time of more than one hundred and twenty-five (125) minnows beyond the borders of Panola County; providing a penalty, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill Referred.

H. B. No. 26 was read and referred to the Committee on Game and Fish.

Adjournment.

On motion of Senator Hopkins, the Senate at 5:25 o'clock p. m., adjourned until 10:00 o'clock a. m. Friday.

APPENDIX.

Petitions and Memorials.

Coleman, Texas, Jan. 23, 1935.

Hon. Bob Barker,
Secretary of the Senate,
Austin, Texas.

Dear Mr. Barker: The beautiful tribute paid to the memory of my late husband, as evidenced by the

resolution adopted by the Senate on January 18th, was appreciated by me and by our children.

I wish you would please convey to the Senate my deepest appreciation for their thoughtfulness and say to them that the copy forwarded to me will be preserved so that our children's children may know of the esteem in which their forbear was held by those who have at heart the destiny and the welfare of the people of his native State.

Yours very truly,

MRS. J. O. WOODWARD.

Administrator for the Petroleum Industry.

Interior Department Building.
Washington.

January 21, 1935.

Honorable Bob Barker,
Secretary of the Senate,
Austin, Texas.

My Dear Mr. Barker: I have before me your letter of January 10, to which was attached a certified copy of Senate Resolution No. 6, adopted by the Senate of the State of Texas on January 10, 1935.

The facts in connection with the article "Piping Hot" which appeared in Collier's Weekly in the issue of January 12, 1935, so far as they are within my knowledge, are as follows:

Mr. White, the author of the article, called on me in my office in Washington on November 9, 1934. This was the only time I have ever met Mr. White. He told me that he had spent several weeks in Texas gathering material for an article for Collier's on oil. He told me, in a general way, what he found to be the situation in Texas with respect to oil. He was interested in my point of view, as Administrator of the Petroleum Code, on the general situation, with particular respect to Texas. I told him, as I have said publicly on many occasions, that, in my opinion the hot oil situation in Texas was very bad indeed. I commented on the waste and the depressing effect of overproduction on prices. I told him further that, in my opinion, Federal legislation was necessary if this waste of an irreplaceable natural resource was to be stopped. I told him that, in my judgment, the Thomas-Disney bill failed to pass the House of Repre-

sentatives at the last session because of opposition from Texas. I told him that it was within the power of the State of Texas to control the oil situation within its own borders, but that so far it had failed to do so.

The foregoing covers what I said to Mr. White. I said nothing at all to him for quotation and there never was any warrant for saying that the article was written by or with my authority or that I was in any way responsible for any statement of fact or conclusion therein. I am not aware that Mr. White makes any such claim.

Mr. White's article, as I read it, does not, even by inference, give me as authority for his statement with reference to lining up sixteen State Senators at \$500 apiece to kill House Bill 99. I never knew there had been a House Bill 99 and I had never heard any rumor with respect to any means adopted to kill that bill. He did not mention this during our interview and the published statement was the first knowledge I had on the subject.

I said nothing of any character reflecting upon the Vice-President in my conversation with Mr. White. I had no occasion to criticize the Vice-President and if Mr. White had done so I would have corrected him. I hold the Vice-President of the United States in the highest possible regard. Since coming to Washington I have come not only to esteem him but to have a feeling of personal affection for him. I take vigorous exception to any suggestion that I have ever, at any time, criticized the Vice-President of the United States or concurred in any criticism of him. During the several conversations I have had with the Vice-President from time to time with respect to the oil situation I have always found his attitude to be that of a statesman.

There is no warrant for implying that this article had my endorsement. Such was not the fact. I understand that there is current in Texas the report that this article was submitted to me in advance of its publication and that I approved it. These are not the facts. I am accustomed to standing on my own feet and expressing my own views. I told such of the citizens of the State of Texas as might be interested my views on the oil situation recent-

ly and what I felt about the failure of the State of Texas to adopt and rigorously enforce a sound policy of conservation with respect to oil. I did this in a speech that I made before the American Petroleum Institute at Dallas, Texas, on November 14, 1934. For your information, I am enclosing herewith a mimeographed copy of that speech.

I am willing to accept responsibility for any statement or act of mine. If the State of Texas wishes to take issue with any public statement concerning acts within its borders, the issue should be taken with the one who made the statements. I never saw Mr. White's article until it appeared in print. After the issue of Collier's in question was printed there was sent, whether by Mr. White or not I do not know, to the press section of the Department of the Interior a copy of this article. No endorsement of the article was asked of, or given, by the press section. I am informed that advance copies were also sent to the newspapers and press associations throughout the country. This article was not sent to me for correction or for approval and I never even made an acknowledgment of it. As a matter of fact, I did not read the advance copy, not because I was not interested, but because I did not have time to do so. This advance copy was no more sent to me for approval or correction than the other advance copies which were similarly sent at the same time to various newspapers and press associations were sent for approval or comment.

I appreciate the invitation of the State Senate to appear before it but this letter will serve the purpose of making clear to you my position and my total lack of responsibility for any statement that appeared in the article in question except where I was quoted directly. It would seem to me that if the State Senate of Texas had the single-minded desire to demand a justification of the facts printed in the article it would address itself to the author thereof, who, so far as I know, disclaims no responsibility for what he wrote.

Sincerely yours,

(Signed) HOWARD ICKES,
Administrator.

Enclosure.

Committee Reports.

Committee Room,

Austin, Texas, Jan. 23, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. R. No. 5, requesting the Texas Centennial Commisison to make a report as to the expenditure of a previous appropriation of \$100,000.00.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be adopted.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 27, A bill to be entitled "An Act making an appropriation for binding certain books and documents in the General Land Office, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 136, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the Attorney General's Department for the balance of the fiscal year ending August 31, 1935, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Senate Resolution No. 22.

By Senators DeBerry, Poage, Regan, Woodruff and Rawlings:

Be It Resolved By the Senate of the State of Texas That the Senate Rules of the Forty-third Legislature Numbers 1 to 95, inclusive, as

shown on pages 231 to 283, both inclusive, of the Texas Legislative Manuel, 1933, with the following amendments and additions, be adopted as the permanent Rules of the Texas Senate for the Forty-fourth Legislature:

Senate Rule 11 of the Forty-third Legislature is hereby amended to read as follows:

- "1. The President shall then call:
 - (1) For petitions and memorials.
 - (2) For reports from standing committees.
 - (3) For reports from select committees.
 - (4) For bills.
 - (5) For resolutions, which shall conclude the morning call (except on House bill days as provided in paragraph 6 following), and which the President shall announce to the Senate.
 - (6) On Wednesday and Thursday of each week only House bills on their third and second readings, respectively, shall be taken up and considered until disposed of; and in case one should be pending at adjournment on Thursday, it shall go over until the succeeding day, Friday, until disposed of, and it shall require four-fifths of the Senators present to suspend this Rule, which shall, on these days, conclude the morning call, which the President shall announce to the Senate.
 - (7) For the special order.
 - (8) For unfinished business.
 - (9) For business on the President's table, which shall be disposed of in the following order:
 - (a) Senate resolutions.
 - (b) Messages and executive communications.
 - (c) House Bills on third reading.
 - (d) Senate Bills on third reading.
 - (e) House Bills on second reading.
 - (f) Senate Bills on second reading.

Senate bills and resolutions with House amendments may be called up at any time as privileged questions."

"11a. Any bill, resolution, or other measure, may on any day be made a special order for a future day of the session by an affirmative vote of two-thirds of the members present, and, when once established as a special order, shall be considered from day to day until disposed of."

Rule 65 of Senate Rules of the

Forty-third Legislature shall be re-numbered 11b. The rule reads as follows:

"11b. No motion to suspend the Rules for the purpose of considering a bill or resolution out of its order shall be entertained during the morning call."

Senate Rule 12 is hereby amended to read as follows:

"12. A special order shall be considered at a time for which it is set and considered from day to day until disposed of unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a two-thirds vote of all the members present in order to consider a special order. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order, provided that any special order shall be subject to Rule 64, providing that the order of business may be postponed or changed by two-thirds vote of all members present."

Senate Rule 15 is hereby amended to read as follows:

"15. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate. On joint resolutions and concurrent resolutions appropriating public funds, and bills being considered on the questions of engrossment or final passage and amendments thereto, debate shall be unlimited as to time. On all other subjects, debate shall be limited to thirty minutes, and to ten minutes for any one member, and when any member has spoken for a period of ten minutes, or the total time of thirty minutes permitted has elapsed, it shall be the duty of the Chair to call to order immediately the member occupying the floor."

16a. Whenever a member is called to order by the President of the Senate or by the Presiding Officer then in the Chair, in accordance with Rule 16 hereof, and such member fails to sit down and be in order, but continues disorderly, it shall be the duty of the Sergeant-at-Arms and/or his assistants upon the direction of the Presiding Officer to require such recalcitrant member to take his seat and be in order. Any member who persists in disorderly

conduct, after being warned by the Presiding Officer, may, by motion duly made and carried by a two-thirds vote of the members in attendance, be required to purge himself of such misconduct and until such member has purged himself of such misconduct he shall not be entitled to the privileges of the floor.

Rule 21a is hereby repealed.

Rule 64 is amended to hereafter read as follows:

"64. Any rule or order of the Senate may be rescinded or changed by a two-thirds vote of all the members elected except where otherwise provided by the Constitution, the Laws and the Rules of the Senate."

65: (Original Rule 65 has been re-numbered and is now Rule 11b.)

Rule 92 is hereby amended to read as follows:

"92. That persons hereinafter named, and no other, shall be admitted to the Senate Chamber while the Senate is in session, viz:

(1) The members of the Senate and their families, Secretary of the Senate and members of his family, employees of the Senate and House of Representatives when on official business, Representatives, the Governor and his private secretary, the Lieutenant Governor and members of his family, the President and Vice President of the United States, United States Senators and members of Congress, Governors of other States, Judges of the Supreme Court, and the Courts of Criminal and Civil Appeals. Provided, that the exceptions herein named shall not apply to any person or persons engaged in lobbying.

(2) Accredited newspaper and leased wire association correspondents and reports shall be assigned appropriate and convenient seats in the Senate by direction of the President. Provided, however, that privileges of the floor shall be extended only to accredited correspondents and reporters for telegraphic and leased wire news associations, daily publications and news-gathering agencies, and weekly newspapers publishing general news and such other journals which regularly report the proceedings of the Senate and news of the State Government.

(2-a) Privileges of the floor shall not be extended to those correspondents whose sole or principal occupation is that of reporting for publications known to the publishing trade as house organs, fraternal

newspapers, society magazines, trade organs, weekly school newspapers, monthly or quarterly publications; nor any publication which does not regularly publish news of State affairs.

(3) Provided, that no news correspondent or reporter, or any person whomsoever who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be admitted upon the floor of the Senate or rooms leading thereto when the Senate is in session, nor shall any correspondent or reporter be admitted to the Senate floor or rooms and halls leading thereto when the Senate is in session who is receiving any compensation or emolument, other than from his journalistic employment, from any persons, corporation, firm or association engaged in lobbying or privately interested in pending legislation.

(4) Every correspondent, before being admitted to the Senate during its session, shall comply with the following provisions:

(a) Exhibit to the Secretary of the Senate credentials from his employer or news bureau chief.

(b) File with the Secretary of the Senate a written statement showing the publications which he represents, and certifying that his principal occupation is that of a correspondent or journalist, and that he is eligible to privileges of the floor under provision of Section 2-a of Rule 92; and further, that he is not receiving any compensation or emolument, directly or indirectly, from any person, firm, corporation or association lobbying for or against any pending or prospective legislation.

(5) It shall be in order for the President to entertain a request, a motion or resolution for the suspension of this Rule, insofar as it affects newspaper representatives, or to present from the Chair the request for unanimous consent for such suspension.

(6) It shall be the duty of the Sergeant-at-Arms and his assistants to clear the Senate Chamber of all persons not entitled to the privileges thereof five minutes before the hour of meetings.

(7) Provided, that this Rule shall not apply to persons who are invited to address the Senate when in session, nor shall it apply to any person who desires to appear before any committee, while going to or returning from the session of said com-

mittee; provided further, that this Rule shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate. All officers and employees of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employee violate this Rule, the same shall be cause for dismissal from the service of the Senate by the President."

Committee Hearings—Attendance,
Record of Proceedings.

96. At all regular or stated meetings of the Senate committees, the Chairman shall call the roll of the members and cause to be made a record of those present and the absentees, together with the excuses, if any, of such absentees. This record of committee attendance shall be printed in the Senate Journal.

96a. A bulletin board shall be prepared and placed in hallway immediately to the rear of the Senate Chamber room upon which shall be posted the time for meetings of all committees and immediately after giving notice of any committee hearing the Secretary of the Senate shall have the time for said meeting posted on said board.

97. The Chairman of each committee shall keep, or cause to be kept under his direction, an accurate record of the proceedings of his committee, and the same shall be open for inspection to any member of the Legislature, and to the public.

98. Hearings on bills before any committee shall be open to the public, and reasonable opportunity shall be afforded to interested parties to appear before the committee. However, after such public hearing has been concluded on any bill, a majority of the committee may direct without debate that action by committee on any such bill be taken in executive session; provided further that a record of such proceedings had in such executive session shall be kept and the same shall be open for public inspection.

99. A majority of any committee shall constitute a quorum, and no action shall be taken upon any bill in the absence of a quorum. At any stated meeting of the committee, if a roll call discloses lack of a quorum, the members present may order the names of the unexcused absentees turned over to the Sergeant-at-Arms

of the Senate whose duty it shall be to promptly secure the attendance of such absent members. The Sergeant-at-Arms shall have the same authority conferred upon him under the Rules of the Senate as when the Senate is operating under a call.

100. If any member of a committee is absent for three consecutive stated meetings, unexcused by the chairman of the said committee, this fact shall be reported in writing to the Senate by the chairman of the committee, whereupon said member shall stand suspended as a member of such committee unless excused by a two-thirds vote of the Senate, and the President shall proceed to fill the vacancy. A record of such suspension shall be printed in the Journal.

Custodian of Bills and Resolutions.

101. The Calendar Clerk shall be the official custodian of the bills and resolutions pending in the Senate, and the same may not be withdrawn from the custody of such clerk without the consent of the Senate.

Be It Further Resolved That the Secretary of the Senate is hereby authorized to have the Manual recodified, indexed, and printed in sufficient numbers to furnish the officers and members of the Senate with copies thereof, and to the press, said Manual to contain the Senate Rules as herein amended, the Rules of the House of Representatives, the Texas Constitution, the Joint Rules of both Houses, a roster of the membership and officers of both Houses, and the standing committees of both Houses, and to pay the cost thereof out of the contingent expense fund.

Be It Further Resolved, That the Secretary of the Senate is hereby authorized to have printed immediately the new Rules of the Senate in a temporary form for the use of the members pending the printing of the official Manual, and to pay the cost thereof out of the contingent fund.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas.
January 25, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present: